

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BIOGEN INTERNATIONAL GMBH	)	
and BIOGEN MA INC.,	)	
	)	C.A. No. 17-823-MN
Plaintiffs,	)	(CONSOLIDATED)
	)	
v.	)	C.A. No. 17-824-MN
	)	
AMNEAL PHARMACEUTICALS LLC, et al.,	)	
	)	
Defendants.	)	
	)	

**STIPULATION AND ORDER OF DISMISSAL**

(Biogen International GmbH, et al. v. Aurobindo Pharma U.S.A., Inc., et al.)

Pursuant to Rule 41(a)(1)(ii) and (c), Fed. R. Civ. P., Biogen International GmbH and Biogen MA Inc. (individually and collectively “Plaintiffs”) and Aurobindo Pharma U.S.A., Inc. and Aurobindo Pharma Limited, parent of now dissolved subsidiary and Defendant Aurobindo Pharma USA LLC (individually and collectively “Aurobindo”), having settled their disputes in Civil Action No. 18-824-MN (the “Aurobindo Action”) by a settlement agreement (the “Settlement Agreement”), stipulate and agree, through their respective counsel and subject to the Court’s approval, that all claims, counterclaims and defenses in the Aurobindo Action are dismissed as follows:

1. Aurobindo stipulates to the validity and enforceability of U.S. Patent No. 8,399,514.
2. Aurobindo stipulates that U.S. Patent No. 8,399,514 would be infringed by any manufacture, sale, offer for sale, use or importation into the United States of the generic product that is the subject of Aurobindo’s Abbreviated New Drug Application (“ANDA”) No. 210385.

3. All claims and defenses of Plaintiffs in the Aurobindo Action are dismissed without prejudice.

4. All counterclaims and defenses of Aurobindo Action are dismissed with prejudice.

The Plaintiffs and Aurobindo waive any right to appeal or otherwise move for relief from this Stipulation and Order of Dismissal.

The Plaintiffs and Aurobindo stipulate that this Court has jurisdiction over them for the purposes of enforcing this Stipulation and Order of Dismissal and the terms of the Settlement Agreement.

### **ORDER**

Accordingly, pursuant to the above Stipulation, and upon the consent and request of Plaintiffs and Aurobindo,

#### **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. All claims and defenses of Plaintiffs in the Aurobindo Action are dismissed without prejudice.

2. All counterclaims and defenses of Aurobindo in the Aurobindo Action are dismissed with prejudice.

3. The Plaintiffs and Aurobindo have waived any right to appeal or otherwise move for relief from this Stipulation and Order of Dismissal.

4. This Court has jurisdiction over the Plaintiffs and Aurobindo for the purposes of enforcing this Stipulation and Order of Dismissal and the terms of the Settlement Agreement.

5. Each party will bear its own attorneys' fees and costs.

ASHBY & GEDDES

*/s/ Steven J. Balick*

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*Attorneys for Aurobindo Pharma U.S.A., Inc.  
and Aurobindo Pharma USA LLC*

SO ORDERED, this \_\_\_\_\_ day of November, 2019.

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United States District Judge